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 Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

|                                   |   |                                       |
|-----------------------------------|---|---------------------------------------|
| ABDU SALEH, Beneficiary of a Visa | ) |                                       |
| Petition Filed By TEHETENA DAGNA  | ) | Case No. 2:13-cv-0586-GMN (GWF)       |
| TEKLEWOLD,                        | ) |                                       |
|                                   | ) | <b>DEFENDANT'S MOTION FOR STAY OF</b> |
| Plaintiff,                        | ) | <b>RULE 26(f) REPORT AND PROPOSED</b> |
| v.                                | ) | <b>SCHEDULING ORDER IN LIGHT OF</b>   |
|                                   | ) | <b>LAPSE OF APPROPRIATIONS</b>        |
| ERIC H. HOLDER, JR., Attorney     | ) |                                       |
| General of the United States,     | ) |                                       |
|                                   | ) |                                       |
| Defendant.                        | ) |                                       |

Defendant Attorney General Eric H. Holder, Jr. hereby moves for a stay in the above captioned case.

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

1 2. Absent an appropriation, Department of Justice attorneys are prohibited from working,  
2 even on a voluntary basis, except in very limited circumstances, including “emergencies  
3 involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

4 3. A Fed. R. Civ. Pro. 26(f) report and proposed scheduling order is due on October 20,  
5 2013. Undersigned counsel for the Attorney General requests a stay until Congress has restored  
6 appropriations to the Department.

7 4. If this motion for a stay is granted, undersigned counsel will notify the Court promptly  
8 after Congress has appropriated funds for the Department. The Attorney General requests that,  
9 at that point, all current deadlines for the parties be extended commensurate with the duration of  
10 the lapse in appropriations.  
11

12 5. Undersigned counsel attempted to contact plaintiff’s counsel, Dan Winder, before filing  
13 this motion. As of the time this motion was filed, Mr. Winder had not had the opportunity to  
14 inform undersigned counsel whether plaintiff would oppose this motion.  
15

16 Therefore, although the Attorney General greatly regrets any disruption caused to the  
17 Court and plaintiff’s counsel, he hereby moves for a stay in this case until Department of Justice  
18 attorneys are permitted to resume their usual civil litigation functions.

19 **CONCLUSION**

20 Wherefore, Respondent respectfully requests that the Court stay the filing deadline for  
21 the Rule 26(f) report and proposed scheduling order in this case due to the lapse in  
22 appropriations.  
23

24  
25  
26 //

27 //

28 //

Respectfully submitted,

STUART F. DELERY  
Assistant Attorney General  
Civil Division

DAVID J. KLINE  
Director  
District Court Section  
Office of Immigration Litigation

AARON GOLDSMITH  
Senior Litigation Counsel  
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/s/ Sarah Maloney  
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October 15, 2013

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I certify that on October 15, 2013, I caused the foregoing Motion for a Stay of Rule 26(f) Report and Proposed Scheduling Order Due to the Lapse in Appropriations to be electronically filed with the Clerk of United States District Court, District of Nevada using the appellate CM/ECF system. I also certify that plaintiff's counsel, identified below, is a registered CM/ECF user, and service should be accomplished by the CM/ECF system.

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DATED: October 15, 2013

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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| TEKLEWOLD,                        | ) |                                 |
|                                   | ) |                                 |
| Plaintiff,                        | ) |                                 |
| v.                                | ) |                                 |
|                                   | ) |                                 |
| ERIC H. HOLDER, JR., Attorney     | ) |                                 |
| General of the United States,     | ) |                                 |
|                                   | ) |                                 |
| Defendant.                        | ) |                                 |

~~PROPOSED~~ ORDER


Upon consideration of Defendant Attorney General Eric H. Holder, Jr.'s Motion for Stay of Rule 26(f) Report and Proposed Scheduling Order in Light of the Lapse of Appropriations, it is hereby:

ORDERED that the filing deadline for the Rule 26(f) report and proposed order entered in the Order of this Court dated September 5, 2013, shall be stayed until appropriations for the Department of Justice have been restored; and

It is FURTHER ORDERED that, once appropriations have been restored, counsel for Defendant shall notify this Court promptly; and

It is FURTHER ORDERED that, at that time, Defendant shall provide the Court with a Proposed Order containing the revised filing deadline for the Rule 26(f) report and proposed scheduling order.

DATED October 16, 2013

  
\_\_\_\_\_  
GEORGE FOLEY, JR.  
United States Magistrate Judge